Testimony
on

Upper Mississippi River and Illinois River Recommendations for Navigation Improvements and Ecosystem Restoration

before the
Subcommittee on Water Resources and Environment
Committee on Transportation and Infrastructure
U.S. House of Representatives

by
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Good morning, Chairman Duncan and members of the subcommittee. My name is Gary Clark and I am the Director of the Office of Water Resources in the Illinois Department of Natural Resources. I also serve as Governor Blagojevich's appointee to the Upper Mississippi River Basin Association (UMRBA) and have the honor of serving as that organization's chairman. Thus, I am here today on behalf of UMRBA, the interstate organization that includes Governors' representatives from all five basin States — Illinois, Iowa, Minnesota, Missouri, and Wisconsin.

UMRBA appreciates the opportunity to testify on the Corps of Engineers' proposed plan for navigation improvements and ecosystem restoration on the Upper Mississippi and Illinois Rivers. In short, the five basin States support that plan and urge Congress to authorize its navigation and ecosystem restoration components as an integrated package. The Corps' study has been lengthy and costly, but the resulting plan is a reasoned and balanced approach. We are confident it provides a solid foundation upon which to move forward.

Our testimony today addresses the following topics:

- Need for action
- Integrated plan and dual authority
- Balance
- Adaptive management
- Cost sharing
- Collaboration

However, before addressing each of these issues, I think it's important to provide a bit of context.

In 1978, the UMRBA's predecessor Commission was charged by Congress with evaluating the need for a second lock at Lock and Dam 26 and associated environmental needs on the Upper Mississippi River. When UMRBA was created in 1981, after the Commission's demise, we took the lead in promoting the Commission's recommendations. We are proud that the results of those efforts led Congress, in the 1986 Water Resources Development Act (WRDA), to authorize both a new lock at Lock and Dam 26 and the Environmental Management Program (EMP) to improve river habitat and monitor river health.

Similarly, UMRBA and each of its individual member States have actively participated in the Corps of Engineers' Upper Mississippi River and Illinois Waterway System Navigation Feasibility Study, since its inception in 1993. Representatives from the five States' natural resources, conservation, transportation, agriculture, and economic development agencies have attended countless meetings of the committees that the Corps of Engineers created to help guide the economic, engineering, and environmental analysis. In addition, designated representatives of the Governors have met regularly with the Corps of Engineers' study team over the past eleven years. While we have not always agreed, we have worked hard to fashion a plan that we believe is balanced. In particular, we support:

- Navigation improvements, including mooring facilities, switchboats, seven new locks, and related mitigation, within the framework of a $2.4 billion plan, with an initial authorization totaling $1.878 billion and further investments contingent upon an updated feasibility report.

- Ecosystem restoration actions, including island building, fish passage at dams, floodplain restoration, water level management, backwater and side channel restoration, wing dam and dike alterations, island and shoreline protection, improvements to topographic diversity, and switching to dam point control, within the framework of a $5.3 billion 50-year plan, with an initial authorization of $1.462 billion.

Need for Action

The Upper Mississippi River System serves a variety of critically important functions in the upper Midwest. It is a commercial navigation route, a home for birds and fish, a recreational haven, and a source of water for local communities and industry. While the Corps' study does not address all the uses, needs, and issues on the Upper Mississippi River System, it tackles two of the most important and closely related ones: navigation efficiency and ecosystem integrity.

Given that the Upper Mississippi River System runs through the agricultural heartland of this country, it should come as no surprise that it carries approximately 50 percent of the Nation's corn exports and 40 percent of the Nation's soybean exports. Our Midwest grain farmers depend on the river as a safe and reliable way to transport their products to international markets. Yet, the system is antiquated and increasingly inefficient, as a result of costly delays at many of the locks.

The river is also an ecologically rich and diverse system. The bottomland forests, islands, backwaters, side channels, and wetlands support over 270 species of birds, 57 species of

mammals, 45 species of amphibians and reptiles, 113 species of fish, and nearly 50 species of mussels. Despite this apparent abundance, the river ecosystem is becoming increasingly degraded. Backwaters and side channels are filling with sediment, much of the floodplain has lost its connection to the river, fish migration is impeded by the dams, islands are being eroded away, and the river's natural hydrologic processes have been altered as a result of impoundment.

These transportation and environmental problems are challenging, but not insurmountable. However, solving them will require more than the tools we currently have at our disposal. In particular, as the Corps of Engineers' proposed plan outlines, it will require both nonstructural and structural navigation improvements and a full suite of ecosystem restoration actions.

Integrated Plan and Dual Authority

When the study was restructured in 2001 to address both navigation and ecosystem needs, the foundation was laid for development of a truly integrated plan. The States enthusiastically supported the Corps' decision to restructure the study, consistent with our long-standing commitment to integrated management of the river. The five Governors gave expression to that commitment in 1997 when they issued a joint proclamation promoting "the pursuit of unified economic and environmental policies" for managing the Upper Mississippi River. Likewise, Congress recognized the dual nature of the Upper Mississippi River System when, in 1986, it declared the river to be both "a nationally significant ecosystem and a nationally significant commercial navigation system," and mandated that "the system shall be administered and regulated in recognition of its several purposes."[*] Congress now has the opportunity to make this balance a reality, by adding ecosystem restoration as a federally authorized project purpose on the Upper Mississippi River, thus providing a dual authority and mandating integrated planning and management by the Corps of Engineers.

Balance

Ecosystem restoration and navigation improvements must move forward in tandem, so that measurable and substantial progress can be made toward both goals. It will require a strong and durable commitment on the part of both Congress and the Administration, to advance both elements of this plan. Initially, this means authorizing the first increment of navigation improvements and ecosystem restoration together, in the context of a long-term (50 year) framework. On an annual basis, it will mean adequately funding both efforts, to ensure that progress is made in meeting the needs of both.

Adaptive Management

No plan is perfect and the world around us is constantly changing. So it is particularly important that we proceed incrementally and adaptively. Adaptive management involves evaluating our actions as we go, comparing the response to the anticipated results, and adjusting our next steps in light of what we learn. The Corps' recommended plan relies on this adaptive approach for both the navigation and ecosystem components of the plan. The States

[*] Section 1103(a)(2) of P.L. 99-662, the Water Resources Development Act of 1986.

are convinced that it reflects an appropriate balance of action and learning. Imperfect information should not keep us from moving forward. There are risks associated with inaction, as well as action. So we should take prudent steps forward, refine our evaluations, and build in checkpoints for future decisions.

Addressing navigation needs adaptively means proceeding with nonstructural measures, including switchboats and mooring facilities; initiating design of seven new 1200 foot locks, with Congressional checkpoints prior to construction; developing and testing a traffic scheduling system; developing improved economic models; and monitoring traffic and economic conditions. Additional future investments, including five lock extensions, would be dependent on further evaluation and Congressional authorization. Finally, and very importantly, mitigation of incremental traffic impacts would also be undertaken adaptively to ensure that mitigation measures are in place prior to actual traffic increases.

Addressing ecosystem needs adaptively means that we begin immediately to implement a full array of restoration techniques, including island building, fish passage at dams, floodplain restoration, water level management, backwater and side channel restoration, wing dam and dike alterations, island and shoreline protection, improvements to topographic diversity, and switching to dam point control. While the long-term plan envisions total investments of $5.3 billion over 50 years, we would begin with a $1.46 billion authorization for 15 years, to pursue the most cost-effective measure yielding the best gains in diversity. After that initial period, we will not only have made substantial progress in restoring the river's ecological functions, but we will also have greater understanding of the river's dynamic ecological processes and responses. This will be critical for defining the scope and nature of future investments.

Adaptive management in the context of ecosystem restoration will require clear goals, measures of progress, rigorous science, new ecological models, and enhanced data collection. Using our management actions not only to change the river system, but also learn about the river system is a smart way to do business. But it is not without cost. Approximately $272 million, or 19 percent of the cost of the initial 15-year ecosystem restoration plan, would be devoted to adaptive management. We urge Congress to consider explicitly recognizing the need for adaptive management in the authorizing legislation.

Cost Sharing

Both the navigation improvements and portions of the ecosystem restoration plan would be cost shared. Consistent with existing law, half of the costs of navigation improvements on the river system would be borne by the commercial navigation industry, which contributes approximately $100 million annually to the Inland Waterway Trust Fund. Ecosystem restoration would also be cost shared, in part, with nonfederal sponsors. However, in authorizing ecosystem restoration for the Upper Mississippi River System, it is critical that the Federal government's long-standing and unique responsibility on this river system be recognized. In particular, the Federal government's construction, operation, and maintenance of the navigation system over the past 70 years has had long-term cumulative environmental effects. Moreover, the Federal government is the largest single floodplain landowner,

including over 285,000 acres of national refuges along the river system. While the States are willing to share a portion of the ecosystem restoration costs, given the unique Federal footprint on this river, we believe that a significant portion of those costs must be fully federally funded. In particular, the States support the cost share strategy in the Corps' plan, which would provide 100 percent federal funding for the following: modifications to the structures and operations of existing projects, measures on Corps Project Lands, measures on lands in the National Refuge System, and measures in the main channel or directly connected backwater areas below the ordinary high water mark. Measures on other public or privately owned lands would be cost shared 65 percent federal/35 percent nonfederal. In addition, the costs of operation, maintenance, replacement, repair and rehabilitation would be assumed by the agency with management responsibility for the land on which the project is located.

The Corps' preferred plan also recommends a number of specific cost sharing provisions that the States support and believe will be critical to implementing cost shared projects, especially those involving land acquisition. In particular: a) nonprofit entities should be eligible to serve as nonfederal sponsors; b) the value of lands and other real estate rights required for a project, regardless of the date of acquisition, should be credited towards the nonfederal share and reimbursed to the nonfederal sponsor, if those costs exceed the nonfederal share; and 3) nonfederal sponsors should be eligible for credit for in-kind services.

Collaboration

We commend the Corps of Engineers for the collaborative approach it has employed in this extraordinarily complex study. It has been an open and transparent process, with opportunities for all interested parties to participate.

It will be equally important that the Corps implement the resulting plan in collaboration with the basin States and other Federal agencies having river-related responsibilities. Consultation and coordination will be necessary on scientific and technical matters, as well as policy issues. However, by utilizing existing institutions and adapting them as necessary, we can avoid the establishment of new and potentially redundant bureaucracies.

In closing, Mr. Chairman, we want to thank you for holding this hearing on the Corps' plan for navigation improvements and ecosystem restoration on the Upper Mississippi and Illinois Rivers. UMRBA pledges to work with Congress to develop legislation that authorizes the plan. In particular, I invite you to call upon UMRBA's Executive Director, Holly Stoerker (651-224-2880) for assistance or additional information.

Thank you again for the opportunity to testify today. I welcome any questions you may have.